

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 404**

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**Introduced by Assembly Member Chiu**  
**(Coauthor: Assembly Member Williams)**

February 19, 2015

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An act to amend Sections 70901 and 72208 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL’S DIGEST

AB 404, as amended, Chiu. Community colleges: accreditation.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law imposes numerous duties on the board of governors with respect to these administrative responsibilities, including a requirement to review the accreditation status of community colleges in certain circumstances.

This bill would add to the duties of the board of governors by requiring it to conduct a survey of the community colleges, including consultation with representatives of both faculty and classified personnel, to develop a report to be transmitted to the United States Department of Education and the National Advisory Committee on Institutional Quality and Integrity that reflects a systemwide evaluation of the *regional* accrediting agency based on the criteria used to determine an accreditor’s status.

(2) Existing law requires the accrediting agency for the community colleges to report to the appropriate policy and budget subcommittees of the Legislature upon the issuance of a decision that affects the

accreditation status of a community college and, on a biannual basis, to report any accreditation policy changes that affect the accreditation process or status for a community college.

This bill would ~~additionally~~ require the *regional* accrediting agency for the community colleges to report to the board of governors as soon as practicable after the National Advisory Committee on Institutional Quality and Integrity has notified the *regional* accrediting agency of the date by which ~~their~~ *the agency's* application for continued recognition is due.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 70901 of the Education Code is amended  
2 to read:

3 70901. (a) The Board of Governors of the California  
4 Community Colleges shall provide leadership and direction in the  
5 continuing development of the California Community Colleges as  
6 an integral and effective element in the structure of public higher  
7 education in the state. The work of the board of governors shall at  
8 all times be directed to maintaining and continuing, to the  
9 maximum degree permissible, local authority and control in the  
10 administration of the California Community Colleges.

11 (b) Subject to, and in furtherance of, subdivision (a), and in  
12 consultation with community college districts and other interested  
13 parties as specified in subdivision (e), the board of governors shall  
14 provide general supervision over community college districts, and  
15 shall, in furtherance of those purposes, perform the following  
16 functions:

17 (1) Establish minimum standards as required by law, including,  
18 but not limited to, the following:

19 (A) Minimum standards to govern student academic standards  
20 relating to graduation requirements and probation, dismissal, and  
21 readmission policies.

22 (B) Minimum standards for the employment of academic and  
23 administrative staff in community colleges.

24 (C) Minimum standards for the formation of community colleges  
25 and districts.

26 (D) Minimum standards for credit and noncredit classes.

1 (E) Minimum standards governing procedures established by  
2 governing boards of community college districts to ensure faculty,  
3 staff, and students the right to participate effectively in district and  
4 college governance, and the opportunity to express their opinions  
5 at the campus level and to ensure that these opinions are given  
6 every reasonable consideration, and the right of academic senates  
7 to assume primary responsibility for making recommendations in  
8 the areas of curriculum and academic standards.

9 (2) Evaluate and issue annual reports on the fiscal and  
10 educational effectiveness of community college districts according  
11 to outcome measures cooperatively developed with those districts,  
12 and provide assistance when districts encounter severe management  
13 difficulties.

14 (3) Conduct necessary systemwide research on community  
15 colleges ~~colleges~~, and provide appropriate information services,  
16 including, but not limited to, definitions for the purpose of uniform  
17 reporting, collection, compilation, and analysis of data for effective  
18 planning and coordination, and dissemination of information.

19 (4) (A) Provide representation, advocacy, and accountability  
20 for the California Community Colleges before state and national  
21 legislative and executive agencies.

22 (B) In order to wholly engage in the recognition review process  
23 of an accrediting agency pursuant to subdivision (c) of Section  
24 72208, ~~to~~ conduct a survey of the community colleges, including  
25 consultation with representatives of both faculty and classified  
26 personnel, to develop a report to be transmitted to the United States  
27 Department of Education and the National Advisory Committee  
28 on Institutional Quality and Integrity that reflects a systemwide  
29 evaluation of the *regional* accrediting agency based on the criteria  
30 used to determine an accreditor's status.

31 (5) Administer state support programs, both operational and  
32 capital outlay, and those federally supported programs for which  
33 the board of governors has responsibility pursuant to state or federal  
34 law. In so doing, the board of governors shall do the following:

35 (A) (i) Annually prepare and adopt a proposed budget for the  
36 California Community Colleges. The proposed budget shall, at a  
37 minimum, identify the total revenue needs for serving educational  
38 needs within the mission, the amount to be expended for the state  
39 general apportionment, the amounts requested for various  
40 categorical programs established by law, the amounts requested

1 for new programs and budget improvements, and the amount  
2 requested for systemwide administration.

3 (ii) The proposed budget for the California Community Colleges  
4 shall be submitted to the Department of Finance in accordance  
5 with established timelines for development of the annual Budget  
6 Bill.

7 (B) To the extent authorized by law, establish the method for  
8 determining and allocating the state general apportionment.

9 (C) Establish space and utilization standards for facility planning  
10 in order to determine eligibility for state funds for construction  
11 purposes.

12 (6) (A) Establish minimum conditions entitling districts to  
13 receive state aid for support of community colleges. In so doing,  
14 the board of governors shall establish and carry out a periodic  
15 review of each community college district to determine whether  
16 it has met the minimum conditions prescribed by the board of  
17 governors.

18 (B) In determining whether a community college district satisfies  
19 the minimum conditions established pursuant to this section, the  
20 board of governors shall review the *regional* accreditation status  
21 of the community colleges within that district.

22 (7) Coordinate and encourage interdistrict, regional, and  
23 statewide development of community college programs, facilities,  
24 and services.

25 (8) Facilitate articulation with other segments of higher  
26 education with secondary education.

27 (9) Review and approve comprehensive plans for each  
28 community college district. The plans shall be submitted to the  
29 board of governors by the governing board of each community  
30 college district.

31 (10) Review and approve all educational programs offered by  
32 community college ~~districts~~, *districts* and all courses that are not  
33 offered as part of an educational program approved by the board  
34 of governors.

35 (11) Exercise general supervision over the formation of new  
36 community college districts and the reorganization of existing  
37 community college districts, including the approval or disapproval  
38 of plans therefor.

39 (12) Notwithstanding any other provision of law, be solely  
40 responsible for establishing, maintaining, revising, and updating,

1 as necessary, the uniform budgeting and accounting structures and  
2 procedures for the California Community Colleges.

3 (13) Establish policies regarding interdistrict attendance of  
4 students.

5 (14) Advise and assist governing boards of community college  
6 districts on the implementation and interpretation of state and  
7 federal laws affecting community colleges.

8 (15) Contract for the procurement of goods and services, as  
9 necessary.

10 (16) Carry out other functions as expressly provided by law.

11 (c) Subject to, and in furtherance of, subdivision (a), the board  
12 of governors shall have full authority to adopt rules and regulations  
13 necessary and proper to execute the functions specified in this  
14 section as well as other functions that the board of governors is  
15 expressly authorized by statute to regulate.

16 (d) Wherever in this section or any other statute a power is  
17 vested in the board of governors, the board of governors, by a  
18 majority vote, may adopt a rule delegating that power to the  
19 chancellor, or any officer, employee, or committee of the California  
20 Community Colleges, or community college district, as the board  
21 of governors may designate. However, the board of governors  
22 shall not delegate any power that is expressly made nondelegable  
23 by statute. Any rule delegating authority shall prescribe the limits  
24 of delegation.

25 (e) In performing the functions specified in this section, the  
26 board of governors shall establish and carry out a process for  
27 consultation with institutional representatives of community college  
28 districts so as to ensure their participation in the development and  
29 review of policy proposals. The consultation process shall also  
30 afford community college organizations, as well as interested  
31 individuals and parties, an opportunity to review and comment on  
32 proposed policy before it is adopted by the board of governors.

33 SEC. 2. Section 72208 of the Education Code is amended to  
34 read:

35 72208. (a) The *regional* accrediting agency for the community  
36 colleges shall report to the appropriate policy and budget  
37 subcommittees of the Legislature upon the issuance of a decision  
38 that affects the accreditation status of a community college and,  
39 on a biannual basis, report any accreditation policy changes that  
40 affect the accreditation process or status for a community college.

1 (b) The Office of the Chancellor of the California Community  
2 Colleges shall ensure that the appropriate policy and budget  
3 subcommittees of the Legislature are provided the information  
4 required to be reported pursuant to subdivision (a).

5 (c) The *regional* accrediting agency shall report to the board of  
6 governors as soon as practicable after the National Advisory  
7 Committee on Institutional Quality and Integrity has notified the  
8 *regional* accrediting agency of the date by which ~~their~~ *the agency's*  
9 application for continued recognition is due.